

# HOUSE . . . . . No. 917

By Mr. Larkin of Pittsfield, petition of Peter J. Larkin and Frank M. Hynes relative to driving under the influence of intoxicating liquor. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 24 of Chapter 90 of the General Laws, as appearing in  
2 the 2000 Official Edition, shall be amended by inserting at the end  
3 thereof the following section:—

4 Notwithstanding the provisions of any section of this chapter,  
5 any person who after being administered the chemical test set  
6 forth in this section and such evidence indicates that the per-  
7 centage was fifteen one hundredths or more and the person is  
8 before the court for the first time for such offense, the court shall  
9 order the case continued on the following conditions:—

10 1. the defendant must attend four one hour individual evalua-  
11 tions sessions, scheduled at least one week apart;

12 2. the defendant must abstain from all alcoholic or chemical  
13 substances during the evaluation process;

14 3. the defendant may also be advised to attend at least three  
15 alcoholic education or alcoholics anonymous meetings or nar-  
16 cotics anonymous meetings and introduction to the twelve step  
17 support system in the area;

18 4. completion of a complete psychosocial history to be taken  
19 during the first two evaluation sessions;

20 5. during the last two sessions of the evaluation process, the  
21 defendant shall take a Mortimer Filkins intake diagnostic test to  
22 determine the defendant's degree of involvement with mood and  
23 mind altering substances, to further aid in identifying prior legal

24 involvements, medical history, identification of high risk  
25 behavior, substance abuse history, work history and financial his-  
26 tory.

27 The results of the above evaluation and factors shall be com-  
28 piled into a report to be submitted for the court and the probation  
29 department. Recommendations may also be added to include inpa-  
30 tient treatment for detoxification and rehabilitation, individual and  
31 group counseling sessions at an outpatient clinic, educational ses-  
32 sions at a driver alcohol education level when health and sobriety  
33 is established.

34 The court shall consider such report, its recommendations and  
35 the recommendation of the probation department. If such defen-  
36 dant has successfully completed all of the requirements of the pre-  
37 ceding paragraph, the court shall dismiss the complaint brought  
38 under this section, make written finding stating the reasons  
39 therefor and shall file a copy of the report with the defendant's  
40 records in the case. The license to operate a motor vehicle shall be  
41 held by the probation department until further order of the court.  
42 The defendant shall be assessed costs for all expenses incurred for  
43 this program.